

State of Alabama,

Vs.

Tony Eugene Grimes,
Defendant.

FILED

MAR - 8 2005

IN OFFICE
CORINNE T. HURST
CIRCUIT CLERK

Case Number(s): CC-94-1161;
CC-94-1160;
& CC-94-1162;

MOTION FOR NEW TRIAL, &/OR RELIEF FROM ORDER

This defendant (hereinafter "Grimes") moves for the court post judgment/order affording him his constitutional right(s) available pursuant a sentencing hearing, or, A.R.Cr.P. Rule 24, or to Rule certain in pertinent parts of Ala.Code 13A-5-9.1 violates the ex post facto clause as held via authorities as follow:

I.

BATSON V. KENTUCKY, 476 U.S. 79 (1986) VIOLATION

At the Batson, id. Hearing during Grimes trial, the prosecution's Walter Northcutt stated he struck (juror) Yvonne Jakes because she sat on a jury that returned a non-guilty, i.e. not guilty verdict in her past jury services. The in pertinent parts of prosecution's Walter Northcutt reason:

"Mr. Northcutt: Judge, also, Mrs. Jakes was the only who sat on one jury and returned a not--only one of the ones that were left that returned a non guilty cerdict. Also, as another one of my reasons, she had sat on a jury and returned a not guilty verdict,..."

see, page (48) of 'Batson hearing' from trial of Grimes V. State, Lee Co. Alabama, CC-94-1611; also, attached to this Motion/Document as Exhibit excerpt ().

Exhibit: "C"